

State Office of Administrative Hearings



Shelia Bailey Taylor
Chief Administrative Law Judge
January 18, 2007

COMMISSIONER
ON ENVIRONMENTAL
QUALITY
JAN 18 PM 1:43
CHIEF CLERK'S OFFICE

Derek Seal
General Counsel
Texas Commission on Environmental Quality
PO Box 13087
Austin Texas 78711-3087

Re: SOAH Docket No. 582-06-2407; TCEQ Docket No. 2005-1582-IHW-E; In Re:
Executive Director of the Texas Commission on Environmental Quality,
Petitioner v. Joe Boy Johnson, Respondent

Dear Mr. Seal:

I have reviewed the Executive Director's (ED's) exceptions to the Proposal for Decision issued in this case. The ED notes a reference to Texas Water Code § 7.073 in Conclusion of Law No. 2 and suggests that it be changed to refer to Texas Water Code § 7.053. Conclusion of Law No. 2 refers to the Commission's authority to assess an administrative penalty and to order corrective action. As Texas Water Code § 7.073 grants the Commission jurisdiction to order corrective action, I am unclear on why the ED wants to change the reference to § 7.073. However, I will defer to your discretion on what the citation should include. I have no objections to the ED's suggested additional wording to Ordering Provision No. 1.

The ED did not recommend any other changes, and I did not receive any exceptions from the Respondent, Mr. Joe Johnson.

This case is set for consideration at the Commission's agenda on January 24, 2007.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, reading "Thomas H. Walston".

Thomas H. Walston
Administrative Law Judge

THW:ml
cc: attached mailing list

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AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: JOE BOY JOHNSON
SOAH DOCKET NUMBER: 582-06-2407
REFERRING AGENCY CASE: 2005-1582-IHW-E

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ADMINISTRATIVE LAW JUDGE

ALJ THOMAS H. WALSTON

REPRESENTATIVE / ADDRESS

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